

1 KEKER & VAN NEST, LLP
DARALYN J. DURIE - #169825
2 CHRISTA M. ANDERSON - #184325
DANIEL JACKSON - #216091
3 ROSE DARLING - #243893
710 Sansome Street
4 San Francisco, CA 94111-1704
Telephone: (415) 391-5400
5 Facsimile: (415) 397-7188

6 Attorneys for Defendants
GAP INTERNATIONAL SALES, INC., THE GAP, INC.,
7 BANANA REPUBLIC, LLC, and OLD NAVY, LLC

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 GABANA GULF DISTRIBUTION, LTD., a
13 company organized under the laws of the
United Kingdom, and GABANA
14 DISTRIBUTION, LTD., a company organized
under the laws of the United Kingdom,

15 Plaintiffs,

16 v.

17 GAP INTERNATIONAL SALES, INC., a
18 Delaware corporation, THE GAP, INC., a
Delaware corporation, BANANA REPUBLIC,
19 LLC, a Delaware limited liability company,
and OLD NAVY, LLC, a Delaware limited
20 liability company,

21 Defendants.

Case No. C 06 2584 CRB (EDL)

**[PROPOSED] ORDER REGARDING
DEFENDANTS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS AND
FURTHER RESPONSES TO
INTERROGATORIES**

Date: October 9, 2007
Time: 9:00 a.m.
Place: Courtroom E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

Date Comp. Filed: April 14, 2006

Trial Date: December 3, 2007

Defendants Gap International Sales, Inc., The Gap, Inc., Banana Republic, LLC, and Old Navy, LLC (collectively “Gap”) brought a motion to compel production of documents and further responses to interrogatories, which came on for hearing on October 9, 2007. The Court having considered the parties’ memoranda, the arguments of counsel, the record in this case, and with good cause appearing, hereby GRANTS IN PART and DENIES IN PART Gap’s motion. Specifically:

1. Gap’s motion to compel with respect to **Request No. 20** (documents relating to communications between Gabana and any person or entity identified in Gabana’s initial disclosures relating to the person’s or entity’s willingness to appear at a deposition or trial in this matter) is denied.

2. With respect to Gap’s **Request No. 21** (all documents relating to any audit of Gabana’s financial statements), Gabana shall produce the auditor work files as soon as they are made available. If for any reason these documents are not produced, Gabana shall submit a declaration from a knowledgeable person explaining what efforts were made to search for and produce this material.

3. Gap’s motion to compel with respect to **Request No. 22** (documents concerning any meetings occurring after January 1, 2005, between Gabana, on the one hand, and Roots, Al Turki, RSH and/or Blue Salon, on the other hand) is denied. Gabana is ordered to submit a declaration stating that Gabana’s business dealings with Roots, Al Turki, RSH and/or Blue Salon related exclusively to the sale or distribution of Gap merchandise.

4. Gap’s motion to compel with respect to **Request No. 23** (documents relating to any correction by Gabana of errors in letters of credit that it claims provided value to Gap) is granted in part. Gap and Gabana shall meet and confer to determine whether electronic searches of Gabana’s records would be unduly burdensome for Gabana. If the parties are not able to resolve the issues related to this request through the meet-and-confer process, they may report to the Court on the results of the electronic searches and may seek additional relief from the Court as necessary.

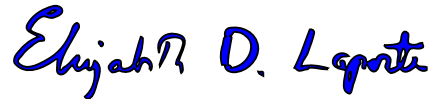
5. Gap’s motion to compel with respect to **Request No. 28** (documents submitted to

Credit Suisse relating to the issuance of letters of credit) is granted.

6. Gabana shall supplement its response to Gap's Interrogatory No. 16 (seeking all facts that support Gabana's contention, in response to Gap's Interrogatory No. 2, that about 40% of the Excess Inventory that Gabana purchased from Gap in May 2003 was either "goldlined" or damaged). In its initial response to Interrogatory No. 16, Gabana stated that this was "communicated from Roots and acknowledged by Gap." Gabana shall include in its supplemental response the names of all persons involved in the relevant communications, when the communications occurred, and who at Gap acknowledged that any part of the Excess Inventory was either "goldlined" or damaged, and who at Gap acknowledged that 40% of the Excess Inventory was in such condition.

IT IS SO ORDERED.

Date: October 18, 2007



HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge